

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO. AB-6 (Sub-No. 428X)**

**BNSF Railway Company**

**— ABANDONMENT EXEMPTION —**

**In Colfax County, NM**

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**NOTICE OF INTENT TO FILE AN  
OFFER OF FINANCIAL ASSISTANCE**

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Attorney for:  
COLFAX LAND & CATTLE COMPANY,  
LLC

July 15, 2005

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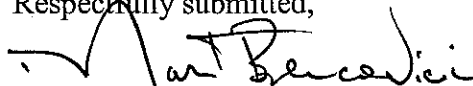
Colfax Land and Cattle Company, LLC (“Colfax”), a New Mexico limited liability company, pursuant to 49 U.S.C. §10904(c) and 49 C.F.R. §1152.27(c)(2)(i), hereby formally expresses its intent to file an offer of financial assistance by purchasing the 36.90-mile line of railroad proposed to be abandoned by BNSF Railway extending between M.P. 0.00 near French, New Mexico and M.P. 36.90 near York Canyon, New Mexico, in Colfax County, New Mexico.

By copy of this Notice, Colfax, pursuant to 49 C.F.R. §1152.27(a), requests that BNSF Railway Company provide it with the minimum purchase price BNSF seeks, copies of the most recent report on the physical condition of the line, and the carrier’s estimate of the net liquidation value of the line, with supporting data reflecting available real estate appraisals, assessments of the quality and quantity of track materials on the line, and removal cost estimates.

Colfax respectfully requests Board acceptance of this Notice of Intent. First, Colfax previously had made an offer to BNSF to purchase the line. Those negotiations were conducted in the summer and fall of 2004, were understood by Colfax to have reached agreement on price,

but then stalled as Colfax sought to negotiate terms and conditions. Colfax expressed to BNSF its continuing interest in acquiring the land. Second, Colfax submitted a Petition to Reopen on July 11, 2005, to enable it to retain experienced transportation counsel, review the environmental assessment and to evaluate its rights. The Board has accepted late-filed notices in the past. *See, e.g., New York Central Lines, LLC – Abandonment Exemption – in Vermillion and Warren Counties, IN*, Docket No. AB-565 (Sub-No. 4X) (STB served Oct. 29, 2001); *New York Central Lines, LLC – Abandonment Exemption – in Berkshire County, MA, In the Matter of an Offer of Financial Assistance*, Docket No. AB-565 (Sub-No. 3X) (STB served Feb. 22, 2002); *Seminole Gulf Railway, Inc. – Abandonment Exemption – in Lee County, FL*, Docket No. AB-400 (Sub-No. 2X) (ICC served Dec. 22, 1994). Furthermore, because a notice of intent to file an offer of financial assistance previously was filed in this docket, the effective date of the Notice of Exemption for Abandonment already has been stayed. BNSF currently is obligated to produce the information requested herein, and Colfax henceforth will operate within the schedule established under the Board's rules. Therefore, BNSF Railway Company will not be adversely impacted by acceptance of this Notice.

Respectfully submitted,



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Company, LLC

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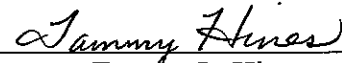
## CERTIFICATE OF SERVICE

I, Tammy L. Hines, hereby certify that on July 15, 2005 I served a copy of the foregoing Notice by mailing a copy by prepaid first-class mail to the following:

Michael A. Smith (also via electronic mail)  
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Tammy L. Hines

Dated: July 15, 2005